IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICZATION NO.7843 OF 2005

Anita A. Waghmare and others Applicants

versus

State of Maharashtra Respondent

Shri S.V.Marwadi for applicants.

R.Y.Mirza, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9th December 2005

PC :

1. At the outset Shri Marwadi - learned advocate for the applicants does not press this application as far as husband (applicant no.2). This course is adopted by Shri Marwadi upon taking instructions from the applicants. Needless to state that withdrawal or not pressing of the application as far as husband is concerned, would not be an impediment in applying for the husband being enlarged on bail in the event of he being taken in custody at a subsequent stage. All contentions as far as merits are concerned, are kept open qua the

applicant no.2. As far as first applicant is concerned, she is a lady and is mother-in-law of the deceased - wife of applicant no.2, who has committed suicide on 1st November 2005. As far as she is concerned, the complainant has alleged that abusive language was used by the applicant and she was critical of the deceased all through out.

2. The said complaint has been perused by me in it's entirety. It is clear that apart from this statement the other act attributed to the mother-in-law, does not appear to be serious enough so as to call for her custodial interrogation. In any event, she is a permanent resident of Nagpur but is available for interrogation as and when summoned. She has stated on oath in this application that she is house-wife and at the relevant time she was residing at Ballarpur. The marriage of the second applicant was solemnized in 1993 and the deceased committed suicide on 1st November 2005. The applicant, therefore, deserves to be enlarged on bail in the event of her arrest in connection with CR No.I-393/2005 registered at Panvel City Police Station alleging offence punishable under sections 498A and 306 of IPC.. However, she will

abide by the following conditions.

3. Shri Marwadi states that applicant no.2 - husband of the deceased would surrender to the Police on Monday, the 12th December 2005. Needless to add that if the applicant no.2 does not surrender as undertaken, investigating officer is at liberty to take steps as are permissible in law.

4. Accordingly, following order :-

(i) In the event of the arrest of the applicant no.1 in connection with C.R.No.I-393/05 registered with Panvel City Police Station, the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.5,000/- (Rs.Five thousand only) with one local solvent surety in the like sum;

(ii) Applicant no.1 shall attend the Panvel City Police Station, Panvel as and when summoned by the investigating officer;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or

promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)